

Amin Abdullah- Clarke

(Name)

CSP-Lancaster ("LAC")

(Address)

44750 60th St. W Lancaster, Ca 93536

(City, State, Zip)

C-84681

(CDC Inmate No.)

FILED

MAY 16 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

2334	1983	✓
FILING FEE PAID		
Yes	No	
HPP MOTION FILED		
Yes	No	✓
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Court	Pro Se	

United States District Court  
Southern District of California

Amin Abdullah- Clarke

(Enter full name of plaintiff in this action.)

'08 CV 0882 DMS WMC

Civil Case No. \_\_\_\_\_

(To be supplied by Court Clerk)

v. Victor M. Almager, Warden Centinela State Prison,  
Nasaria Barreras, Chief Medical Officer,

Alan Hernandez, Facility "C", Captain

Doug De Geus, Appeals Coordinator

Mental Health Doctors Allen, Armenta &amp; Robinson

PH.D: Nasaria Barreras, Chief, Medical Officer

(Enter full name of each defendant in this action.)

Defendant(s). )

Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983

Jury Trial Demand

## A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

## B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Amin Abdullah- Clarke  
(print Plaintiff's name)

, who presently resides at California State Prison Los  
(mailing address or place of confinement)

Angeles, County 44750 60th St, W Lancaster, Ca 93536 , were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at Centinela State  
Prison P.O. Box 921 Imperial Ca 92251 on (dates) See attached Page , and *[Signature]*

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

① Defendant V. M. Almager resides in Imperial  
 (name) (County of residence)

and is employed as a Warden This defendant is sued in

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

② Defendant Nasaria Barrera's resides in Imperial  
 (name) (County of residence)

and is employed as a Chief Medical Officer

(defendant's position/title (if any))

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

③ Defendant Alan Hernandez resides in Imperial  
 (name) (County of residence)

and is employed as a Facility Captain

(defendant's position/title (if any))

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

④ Defendant Doug De Geus resides in Imperial  
 (name) (County of residence)

and is employed as a Appeals Coordinator

(defendant's position/title (if any))

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

⑤ Defendant Allen, Mental Health Doctor is sued as a individual who resides in  
 Imperial County,

⑥ Defendant Robinson, Mental Health Doctor is sued as a individual who resides in  
 Imperial County,

⑦ Defendant Armenta, Mental Health Doctor is sued as a individual who resides in  
 Imperial County,

⑧ Defendant Nasaria Barreras, Chief Medical Officer is sued as a individual who resides

I

CAUSE OF ACTION

LIBERTY INTERES, ILLEGAL FIRST AND FOURTEENTH AMENDMENT  
RETALIATION FOR THE USE OF PRISON GRIEVANCE  
IN VIOLATION OF THE U.S. CONSTITUTION  
(42 U.S.C. § 1983)

1. Plaintiff on July 5, 2007 submitted inmate grievance - which was recorded by DeGeus and received by Hernandez. It was never responded to.
2. Plaintiff in September 2007 appeared before Hernandez during classification - when he said you like filing 602's, I'm going to have you transferred to another prison.
3. Plaintiff sent a number of Complaints and inmate request for interviews to Almager regarding staff Misconduct, who took no corrective action.
4. On April 7, 2008 plaintiff was told by Dr's Allen and Robinson "if he refused "psychiatric medication" he will be taken off of his hepatitis "C" treatment and Dr. Armenta agreed." Plaintiff refused, and he was deprived treatment by Dr. Barreras on April 15, 2008 or soon after.
5. Around the same time Dr's Armenta, Robinson and Allen illegally put Plaintiff on Enhanced Outpatient Program ("EOP") without his informed consent. This made way for Plaintiff to be transferred.
6. On April 15, 2008 Plaintiff went before Hernandez in a classification hearing - who put Plaintiff up for transfer. On April 25, 2008 Plaintiff was endorsed for transfer. On April 29, 2008 Plaintiff was transferred to his current location in a cold filthy EOP cell without his property segregated and deprived of his liberty without due process.

(If it was not for a inmate I could not petition this Court).

see page 4 →

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1) EOP is a Mental Health Program. This status mandate plaintiff be transferred out of Centinela state Prison. This was the main reason why Defendants conspired to force him on EOP without his consent. It took a lot of people to pull this (3.) one off. I will amend this Complaint.

Count 1: The following civil right has been violated:

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

7. Petitioner alleges that each defendant, and all of them, collectively conspired to chill the effects of his exercise of his First Amendment rights through actions that do not advance any legitimate penological goals, nor are tailored narrowly enough to achieve such goals.

I declare under penalty of perjury that the foregoing is true and correct and that if called to do so I could competently so testify.

Executed on May 4, 2008 at Lancaster, Ca

Amin Abdullah- Clarke

Count 3: The following civil right has been violated:

(E.g., right to medical care, access to courts, .

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**Supporting Facts:** [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

#### D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

involved in this case?  Yes  No. Cant remember

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: Clarke v. Lamargue

Defendants: Lamargue

(b) Name of the court and docket number: U.S. D.C "ND" C-02-4338 RMW

(c) Disposition: [ For example, was the case dismissed, appealed, or still pending?] Pending

(d) Issues raised: 8th Amendment & Due Process violations

(e) Approximate date case was filed: 2002

(f) Approximate date of disposition: N/A

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ?  Yes  No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Plaintiff did seek to exhaust but

Prison official willfully obstructed Plaintiff's grievance complaints.

U.S. D.C. "CD" CV 05 4448 MMM

Pending, filed 2005

U.S. D.C. "ED" CV F 05 0702 OWW WMW

Pending, filed 2005

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): Continued retaliation,

Preventing Plaintiff access to the law library.

2. Damages in the sum of \$ 10,000.

3. Punitive damages in the sum of \$ 15,000

4. Other: Any other relief this Court deems fit.

**F. Demand for Jury Trial**

Plaintiff demands a trial by  Jury  Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:



Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR



Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

5/4/08

Date

Amin Abdullah-Clarke

Signature of Plaintiff

JS-44  
(Rev. 07/89)

1-B

## CIVIL COVER SHEET

This JS-44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

**Amin Abdullah-Clarke**  
CSP-Lancaster  
44750 60th St., W  
Lancaster, Ca 93536

DEFENDANTS V. M. Almager, Warden et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lancaster  
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Imperial  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Amin in pro-se

## ATTORNEYS (IF KNOWN)

Cal. Attorney General

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff  
 3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX)

(For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. ORIGIN

 1 Original Proceeding 2 Removed from State Court

## (PLACE AN X IN ONE BOX ONLY)

 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) \_\_\_\_\_ 6 Multidistrict LitigationAppeal to District Court  
Judge from Magistrate Judgment

## V. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ 25,000

CHECK YES ONLY IF DEMANDED IN COMPLAINT:  
JURY DEMAND:  YES  NO

## VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. THIS IS A CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983 ALLEGING VIOLATION OF THE U.S. CONSTITUTION'S FIRST AND FOURTEENTH AMENDMENTS AND A LIBERTY VIOLATION.)

## VII. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Writs	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce/ICC Rates/etc	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Writs	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 861 HIA (1995/II)	<input type="checkbox"/> 12 USC 3410
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicles	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 OWCP/DOLW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 190 Other Contracts	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Waters
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
		<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 780 Other Labor Litigation		<input type="checkbox"/> 900 Appeal of Fee Determinations Under Equal Access to Justice
		<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 871 IRS-Third Party		<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 26 USC 7608		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 Habeas Corpus	<input type="checkbox"/> 871 IRS-Third Party	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Habeas Corpus & Other		
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

DECLARATION OF SERVICE

Case Name Amin Abdullah-Clarke v. Victor M. Almager, Warden

I am the Plaintiff in this action and over the age of 18. years of age. My mailing address is California State Prison - Los Angeles-County 44750 60th St., W. Lancaster, Ca 93536-7620

On May 4, 2008, I served the attached 42 U.S.C. § 1983 Civil Rights Action by placing a true document enclosed in a sealed envelope with postage attached fully prepaid, in the United States Mail at Lancaster California, addressed as follows:

Southern District of California  
United States District Court  
325 W. F St., San Diego, Ca 92101-6989

I declare under penalty of perjury under the laws of the state of California the foregoing is true and correct.

Executed on 5/4/08, at Lancaster, Ca

Amin Abdullah-Clarke

Amin Abdullah-Clarke